

EXHIBIT 7

Letter dated July 22, 1905 to J.R. Meskimmons
from Commissioner of Indian Affairs

517 TO
JESKIMONS
JULY 22 1905

Land.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 22, 1905.

J. R. Meskimons, Esq.,
Superintendent of Irrigation,
Beaver, Pennsylvania.

Sir:

Upon the expiration of your leave of absence, you are assigned to duty on the Walker River Reservation, Nevada, for the purpose of surveying and planning a system of irrigation upon certain surveyed lands hereinafter described, sufficient to make allotments of land to the Indians thereof, under existing law. The following instructions are issued for your guidance in the work proposed:

The Indian Appropriation Act approved May 27, 1902 (32 Stats.-245,260), directs the Secretary of the Interior, among other things, to allot from the land on the Walker River Reservation in Nevada, susceptible of irrigation by the present ditches or extensions thereof, 20 acres to each head of a family residing on said Reservation, the remainder of such irrigable land to be allotted to such Indians on such Reservation as the Secretary may designate, not exceeding 20 acres each. The Act provides that when a majority of the heads of families on said Reservation shall have accepted such allotments and consented

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to the relinquishment of the right of occupancy to land thereon which cannot be irrigated from existing ditches and extensions thereof, and land which is not necessary for dwellings, school buildings or habitations, for the members of the said tribe, such allottees who are heads of families shall receive the sum of \$300.00 each, to enable them to commence the business of agriculture, to be paid in such manner and at such times as may be agreed upon between said allottees and the Secretary of the Interior; also that when such allotments shall have been made, and the consent of the Indians obtained as aforesaid, the President shall, by proclamation, open the land so relinquished to settlement, to be disposed of under existing laws. The money necessary to pay the said Indians as indicated is appropriated by the said Act out of any money in the Treasury not otherwise appropriated.

It is provided by joint Resolution of June 19, 1902 (32 Stats.-744), in addition to the allotment in severalty of lands in the Walker River Indian Reservation, State of Nevada, that the Secretary of the Interior shall, before any of said lands are opened to disposition under any public land law, select and set apart for the use in common of the Indians of that Reservation, such an amount of non-irrigable grazing land therein, at one or more places, as will subserve the reasonable requirements of the Indians for the grazing of live stock.

Certain provisions are made in this joint Resolution respecting the making of allotments in severalty to the Indians of the Spokane Indian Reservation, Washington, and the Indians of the Uintah and White River Utes of the Uintah Reservation, Utah.

There is appropriated by a paragraph contained in the Indian Appropriation Act approved March 3, 1903 (32 Stats.-982, 997), \$175,000.00, to enable the Secretary of the Interior to do the necessary surveying and otherwise carry out the purposes of so much of the Act of May 27, 1902 (Supra), as provides for the allotments of the Indians of the Walker River Reservation in Nevada, and the Uintah and White River Utes in Utah, and the joint Resolution of June 19, 1902 (Supra). This sum was made immediately available.

James Mc Laughlin, United States Indian Inspector, was designated to ascertain the lands within the Walker River Reservation necessary for the use of the Indians for allotments and grazing purposes, as provided in the Acts and Resolution above referred to. He recommended that the surveys for this purpose be confined to Township 12 north, Range 29 east, Townships 12, 13 and 14 north, Range 28 east, and Townships 14 and 15 north, Range 27 east, and that these townships only, or so much thereof, should be subdivided, as might be found to be within the boundaries of the Reservation, or at least one mile distant therefrom, as shown by the protraction on the plat which

accompanied his report.

The Office made report as to this matter February 5, 1904, to the Secretary of the Interior, and suggested that the Commissioner of the General Land Office be authorized to enter into contract for the surveying of said townships in the manner and for the purposes indicated. The Office is informally advised by the General Land Office that such contract was made-- No. 237--with Messrs. Franks and Mullen; also that the surveys have been completed thereunder in the field; that the field notes and plats of surveys are now being prepared in the Surveyor General's office, for Nevada; that the surveys are about to be examined in the field; that the returns of the surveys will not likely be made to and approved by the General Land Office before September 1, next. Upon receipt of the field notes and plats of survey by the General Land Office, this Office will be furnished with copies thereof, when steps will be taken to have the allotments made to the Indians in quantity and manner as above stated, by a Special Allotting Agent to be designated for that purpose.

You will first make a survey of and prepare a map or maps showing all the irrigation ditches that have been constructed on the Reservation, and the land covered thereby, giving the acreage thereof, showing the Section, Township and Range, and the number of Indians that can be allotted 20 acres each. There are about five hundred Indians on the Reservation, to be exact,

490, according to the Annual Report of this Office for 1904. It will require about 10,000 acres to allot each Indian on the Reservation 20 acres of land. You will estimate the quantity of additional land that will be necessary to bring under irrigation to give each remaining Indian -man, woman and child- 20 acres apiece, and determine by proper surveys the lines of the ditches to be extended and constructed for that purpose. You will estimate the cost of their extension and construction; also the cost of the repair of the ditches already constructed on the Reservation, if it is necessary to make repairs; that is, the entire cost of the irrigation system necessary to give allotments of 20 acres each to the Indians of the Reservation.

Allotments are to be made on land irrigated or susceptible of irrigation. The purpose mainly now, as above pointed out, of your surveys, is to ascertain the lands to be allotted, that is, those already covered by existing ditches and those susceptible of irrigation by the extension thereof, to the amount -in all- of 10,000 acres. The cost of the proposed system of irrigation should be reasonable.

Should you apply to the Surveyor General for Nevada for copies of the plats of survey and other data and information respecting the surveys mentioned, you would likely be able to obtain them from him. It is suggested that you make request for such copies and other information desirable bearing on the work proposed.

This Office received last January, by Department reference, for consideration, report and recommendation, a report dated January 17, 1905, from C. F. Neslor, United States Inspector, on the Walker River Reservation, wherein he invited attention to the uncertainty of the water supply necessary to irrigate the Indian lands. He stated that large cattle owners above the Reservation had for years held back the water of the Walker River, by means of a series of tight dams, and distributed the same over their pasture land, in order to furnish undergrowth for grazing purposes; that this had affected the lands of the white people in the Mason Valley north of the Reservation, and had been the cause of numerous law suits then pending in the courts; and that it seemed to him that the Indians, regardless of the results of these suits, were bound to suffer. He suggested that the Government make filings on behalf of the Indians for water rights; that if this could not be done it would be necessary to make provision for an adequate supply by the construction of dams and storage of water.

It may be stated for your information, that he estimated that there were about 3000 acres of irrigable land suitable for allotments. He reported that only about one-half of this land was then under water; that the whole amount mentioned would hardly be sufficient to allot the number of Indians living on the Reservation, there being, as stated, about 500.

He thought that the allotment of land was sure to

bring about necessary changes among the Indians and reported that existing ditches were built without regard to future allotments; that when the allotments are made the ditches will have to be changed and systematized, in order to afford each allottee a water supply.

As to the steps taken to secure water rights for the Indians of the Reservation, I have to state that on September 12, 1903, this Office recommended to the Secretary of the Interior that certain papers and information respecting a suit in equity, entitled Miller & Lux vs. Thomas B. "Rickey" et al, then pending in the United States Circuit Court for the District of Nevada, at Carson, there being named in the bill of complaint 134 defendants, be forwarded to the Attorney General, with the request that the U. S. Attorney for the District of Nevada be instructed to take such action as might be necessary and best calculated to secure the rights of the United States and the Indians of the Walker River Reservation, in the use of water for irrigation thereon.

The United States District Attorney for the District of Nevada transmitted a letter to the Attorney General on December 12, 1904, together with a newspaper clipping, relative to a suit instituted in the Superior Court of California by the "Rickey" Land & Cattle Co., against all users of water on the east and west forks of Walker River, in the State of Nevada.

A copy of this communication was referred to this Office by the Department, for report and recommendation. The Office made a full report thereon under date of January 5, 1905, and recommended that the Attorney General be requested to instruct the proper United States District Attorney to take such action as might be necessary and best calculated to secure the rights of the United States and the Indians of Walker River Reservation in the use of water for irrigation purposes thereon.

In view of the action of this Office and the recommendations made, you will communicate with the United States District Attorney for Nevada, and also with the proper United States District Attorney for California, should it be found that he has charge of the suit last referred to, for the purpose of ascertaining what progress, if any, has been made toward securing water rights for the Indians and the United States. You will advise the Office of any information obtained.

When you shall have made the surveys contemplated and prepared the maps of the ditches as instructed, you will, if necessary, furnish the proper United States Attorney with copies thereof, in order that proper filings for water rights may be made in the State of Nevada; or if necessary file the same with the State Superintendent of Irrigation. In other words, you will take every proper step to secure proper filings on behalf of the Indians and obtain for them water rights under the laws of the State of Nevada.

It appears from information in the possession of this Office, that the Indians had constructed irrigation ditches on the Walker River Reservation as early as 1873. The following quotation taken from the Annual Report of this Office for 1873- page 254- is cited as evidencing this fact:

"The Walker River Reservation has suffered more in this respect (damage from floods and crop failure) than that of the Pyramid Lake, from the fact that a rain on the mountains of the head waters of Walker River caused a sudden rise of such force as to break the irrigation ditch and, before the same could be repaired, the water was so low that almost an entire failure of crops was the result."

The irrigation system for the Indians of that Reservation should be surveyed and planned before beginning the work of allotments, in order that the Allotting Agent may know the lands to be allotted, that is, those already irrigated and such as are susceptible of irrigation. An Allotting Agent will be sent to the Reservation to make the allotments at the earliest practicable date. It will therefore be necessary for you to hasten your surveys and plans for irrigation. Upon your arrival there you will submit an estimate of the funds necessary for your use in carrying on the work proposed during the 1st quarter, 1906; so that authority may be obtained for such expenditures. You will be allowed assistants, if found necessary to conduct the work properly. Your estimate of funds should be made in detail, indicating the number of assistants, the rate per day, and other necessary expenses. You will acknowledge the receipt of these instructions and report your arrival on the Reservation.

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When you shall have completed the surveys, maps and plans for a system of irrigation as contemplated, under these instructions, you will submit to the Office a full report thereof, accompanied by maps and profiles of the same, for its use and information. The maps and profiles, or blue-print copies thereof, will be returned to you, in order that you may use them in the work of construction. Should any question arise about which you desire further information, you will submit it promptly to the Office, so that instructions may be given.

The Superintendent of the Carson School, Nevada, will be advised of your coming and requested to render you such assistance as he may be able and as is consistent with the duties of his office.

For your use I enclose a map of the State of Nevada, showing the location and boundary of the Walker River Reservation.

Very respectfully,

Acting Commissioner.

JHH-GH.